THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 19039 OF 2005

DATED: 27-09-2007

Between:

Smt. Guntuku Suramma and two others

… Petitioners

And

A.P. State Housing Corporation Ltd.,
Rep. by its District Collector,
Executive Director, Srikakulam and three others

… Respondents

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 19039 OF 2005

ORDER:

Though the matter was listed for hearing interlocutory matters, at the request of both the counsel, the main writ petition is taken up for hearing and disposed of by this order.

In the writ petition, the petitioners questioned the recovery notice issued by the A.P. State Housing Corporation, dated 30-07-2005, to recover an amount of Rs.8,000/- from them.

A.P. State Housing Corporation Ltd., has formed a scheme for giving financial assistance to the weaker sections of the society for construction of residential houses. Initially, the petitioners were identified in the list, but, however, subsequently in view of the complaint, enquiries were conducted and it was found that the petitioners are not eligible and fit for the scheme for the purpose of getting financial assistance. Based on the same, further orders are passed by the Collector, Srikakulam vide proceedings dated 21-07-2005. Consequent to the orders of the District Collector, the impugned notice was issued to recover the amount, which was

disbursed to the petitioners towards financial assistance.

It is the case of the petitioners that the said notice was issued without conducting any enquiry and without issuing any notice.

But on the other hand, in the counter affidavit filed on behalf of the respondents it is stated that in view of the complaint, enquiries were conducted and the Enquiry Officer submitted his report stating that the petitioners are not eligible and in view of the same, their eligibility was cancelled and consequential notices were issued to recover the amount already disbursed. It is also submitted by the learned standing counsel appearing for the respondents that in similar facts of the case, earlier a writ petition was filed before this Court questioning the recovery notice dated 30-07-2005 and this Court has dismissed the said writ petition and the same is also confirmed in the writ appeal by the Division Bench of this Court. Earlier, the said writ petition was dismissed mainly on the ground that the notice for recovery is consequent to the orders of the Collector dated 21-07-2005 and in the absence of questioning such order of cancellation, the petitioners cannot question the recovery notice. Even in this case also, the petitioners are only challenging the recovery notice.

In view of the earlier judgment of this Court in W.P.No.19010 of 2005 and inasmuch as the impugned notice is only consequential to the orders of the Collector dated 21-07-2005, I do not find any valid ground for grant of relief as prayed for in the writ petition.

Keeping open to the petitioners to challenge the orders of the Collector dated 21-07-2005 the writ petition is dismissed. No order as to costs.

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R. SUBHASH REDDY, J.

Dt: 27-09-2007

Rns

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 11100 OF 2007

Dated: 09-02-2007

RNS